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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/807,379      | 03/24/2004  | Ching-Shyang Hwang   | 4459-0164PUS1       | 3319             |

2292 7590 05/16/2006

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EXAMINER

HUYNH, NAM TRUNG

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/807,379 | <b>Applicant(s)</b><br>HWANG, CHING-SHYANG |  |
|                              | <b>Examiner</b><br>Nam Huynh         | <b>Art Unit</b><br>2617                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-14, 17-24 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-14, 17-24 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to Amendment filed 2/28/2006. Of claims 1-30, 5-6, 15-16, and 25-26 have been cancelled. Claims 1-2, 4, 11-12, 14, 21-22, and 24 have been amended.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-14, 17-24, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Foladare et al. (US 5,819,160).

A. Regarding claims 1 and 11, Foldare et al. discloses a radio subscription service that comprises the following:

- A news service that permits retrieval of particular audio news selections (column 4, lines 34-38).
- A subscription content database for storing audio information for selection by the subscriber and for storing one or more keywords corresponding to one or more news topics (column 4, lines 20-25). The volume and number of educational selections stored in the subscription content database is limited only by the storage capacity of the database (column 4, lines 31-34). Therefore, it is

inherent that Anatomic Therapeutic Chemical (ATC) codes can be stored in the database and available for a user of the invention to retrieve.

- A main control unit that is connected to the news service so that particular audio selections can be retrieved by topic using one or more keywords stored in the subscription content database (column 4, lines 34-38).
- A radio control unit preferable a microprocessor based device configured for receiving and processing digital audio data (column 4, lines 52-54).

B. Regarding claims 2, 12, and 22, Foldare et al. discloses a control program stored in the main control unit that consists of multiple integrated control modules that executes the operation of the main control unit. One of the modules allows a subscriber to select play list content from the subscription content database. A play list may consist of news keywords therefore associating the keywords with news data (ATC codes) from the news service (columns 5-6, lines 15-21, 1-4). Therefore the keywords coupled from the play list and the news data from the news server would constitute the "value-added" news information.

C. Regarding claims 3, 13, and 23, Foldare et al. discloses a radio control unit preferably a microprocessor based device configured for receiving and processing digital audio data (column 4, lines 52-54). Therefore, outputting the "value-added" news information.

D. Regarding claims 4, 14, and 24, Foldare et al. discloses a subscriber ID code that is a code unique to each subscriber for identification with the main control unit. This ID code could be considered a tag because it is representative of play list content.

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A play list may consist of news keywords. Therefore the news data (ATC codes) would be related to the ID code and keyword.

E. Regarding claims 7, 20, and 30, Foldare et al. discloses that a particular subscriber from the can retrieve news information from the news service stored in the subscription content database (column 4, lines 39-46). Therefore since the subscriber can have a play list, and the play list consists of key words, then the subscription content database would store the news data from the news server associated with key words or "value-added" news information.

F. Regarding claims 8, 17, and 27, Foldare et al. discloses a program module in which a subscriber connects to the main control unit via a telecommunication link and network (column 5, lines 26-28 and figure 2, item 104). Foldare et al. additionally discloses another program module that retrieves a play list corresponding to a play list ID code of a subscriber; then assembles, compresses, and transmits the play list content (figure 3).

G. Regarding claims 9, 18, and 28, Foldare et al. discloses that the device that receives the news from the subscription system has a data input device and a data storage device and is operable for wireless digital communications (column 2, lines 17-26). Furthermore Foldare et al. discloses that a remote connection is preferably accomplished using a computer equipped with a modem to interact with the subscription control system (column 2, lines 31-35). A PDA or computer satisfies these criteria.

H. Regarding claims 10, 19, and 29, Foldare et al. discloses an example where a subscriber may select the keyword "baseball" and news about baseball is transmitted to

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the user (column 2, lines 59-60). Therefore content analysis of the news information is performed.

I. Regarding claim 21, the limitations are rejected as applied to claim 1.

Furthermore, Foldare et al. discloses that the present invention includes a subscription control system operable for interacting with a subscriber for wireless digital communication with one or more digital radios (column 2, lines 11-17). A computer can embody this system and its contents.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 7-14, 17-24, and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's amendment of claims 1-2, 4, 11-12, 14, 21-22, and 24 to include "Anatomic-Therapeutic-Chemical (ATC) codes" in the key-word database, the grounds of rejection set forth in the "Non-Final Rejection" filed 11/15/2005 have been modified to address the amendments.

Upon further review of Foldare et al. (US 5,819,160), Examiner would like to call attention to the disclosure that the subscription content database is only limited by the storage capacity of the database (column 4, lines 31-34). Because the invention comprises this characteristic, the subject matter or type of data stored in this database can be of any type and is not limited by any means but the capacity. Therefore if one desired to provide classification code information based on keywords of a particular code, this type of data, or data of other types, can be stored in the subscription content database and used by the system of Foldare et al. The data, and/or the subject matter

of the data stored in the database, do not render the claims allowable since one could use the system of Foldare et al. to provide ATC classification code information to a user, or any other type of information, if so desired.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

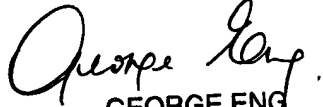
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH  
5/1/06

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER